

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 22-CR-0716 WJ

RUBEN CANDIDO PADILLA,

Defendant.

SENTENCING MEMORANDUM

Comes now Defendant, through undersigned counsel, and provides this Court with this memorandum concerning his sentencing. Defendant states:

1. Mr. Padilla respectfully asks that this Court sentence him in accordance with the Plea Agreement in this case: to a term of imprisonment of Eighteen (18) months.

2. On July 26, 2022, Mr. Padilla entered into a Plea Agreement with the Government, wherein he pled guilty to sole count in the indictment, charging a violation of 18 U.S.C. 751(a), Escape from Custody. Doc. 32. The parties agreed, pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), that a specific sentence of eighteen (18) months imprisonment would be the appropriate disposition of this case. Doc. 32, at 11a.

3. The Presentence Investigation Report (PSR) filed on September 28, 2022, Doc. 35, provides extensive details about Mr. Padilla's criminal history and personal background.

4. The PSR calculates Defendant's offense level as 7, PSR at ¶ 27, and his criminal history category as V, Id., at ¶ 42. This yields a Guideline sentence of 12-18 months.

5. Defendant acknowledges the serious nature of his criminal conduct, and the harms he has caused. As noted in the PSR, however, Defendant has suffered from disadvantages throughout the course of his life, including Bipolar Disorder, Attention Deficit Hyperactivity

Disorder (ADHD), and Post Traumatic Stress Disorder (PTSD). PSR at ¶ 66. He was never able to complete his high school education because of a learning disability. Id., at ¶ 74.

6. Mr. Padilla's mental health and substance abuse problems lie at the core of his criminal history. The PSR correctly notes that at those times that he has attended counseling, he has shown "progress." Id., at ¶ 38.

7. Mr. Padilla now wishes to put his criminal conduct behind him and "make a life for himself and his family and move out of state," upon completion of his sentence. Specifically, Mr. Padilla has some family members in the Denver, CO area and he is optimistic he will have employment opportunities.

8. Mr. Padilla submits that the Office of the United States Attorney has entered into the Plea Agreement in this case in full awareness of the strength of the Government's evidence, as well as the factors enunciated in 18 U.S.C. 3553(a). Counsel for the Government – with a deep knowledge of the evidence and Defendant's history – has agreed that the interests of the United States would be vindicated by the imposition of the agreed-upon sentence of eighteen (18) months imprisonment. Defendant asks this Court to accept this agreement and impose sentence accordingly.

9. Mr. Padilla also respectfully requests that this Court recommend his participation in the BOP's treatment programs. Previously Mr. Padilla was designated to the United States Penitentiary in Beaumont, Texas. That facility did not have opportunities for Mr. Padilla to work on bettering himself. He is hopeful that he can instead be designated to a federal correctional institute. He is also hopeful he can attend a facility that has medically assisted treatment (MAT) to provide a seamless transition to the community MAT upon release from incarceration.

WHEREFORE, Defendant respectfully asks this Court sentence him in accordance with the recommendation of the Government in this case: to a term of imprisonment of eighteen (18) months with an additional recommendation that Mr. Padilla be allowed to serve his time in a federal correctional institution with Medically Assisted Treatment.

Respectfully Submitted,

Electronically filed 10/30/2022

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I HEREBY CERTIFY that a true and correct copy of the foregoing was delivered electronically to counsel of record, via the CM/ECF system, on this «Date of Filing».

/s/ Richard B. Pugh

Richard B. Pugh